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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,434	01/06/2004	Yeshwanth Narendar	S1432-700819	3742
37462 7590 08/20/2007 LOWRIE, LANDO & ANASTASI RIVERFRONT OFFICE ONE MAIN STREET, ELEVENTH FLOOR CAMBRIDGE, MA 02142			EXAMINER GROUP, KARL E	
			ART UNIT 1755	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/752,434	Applicant(s) NARENDAR ET AL.	
	Examiner Karl E. Group	Art Unit 1755	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: 14, 15, 23, 24 and 30-36.
 Claim(s) withdrawn from consideration: 38-41.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____

/Karl E Group/
Primary Examiner
Art Unit: 1755

Continuation of 3. NOTE: In claim 14 adding the pore surface area and allowing at least one of the impurities to be present in amounts up to 400 ppm is a new issue. Claim 14 as finally rejected required the total impurities to be less than 400 ppm. Furthermore, "the impurity" lacks antecedent basis as the claim recites "impurities". Also in claim 14, the Markush group of Fe, Cu, Ni, Cr and Ca is a new issue.

Continuation of 5. Applicant's reply has overcome the following rejection(s): The rejection of claim 24 over Japanese documents 10-228974, 07-328360 is withdrawn because claim 24 requires the structure of a wafer boat. Claim 35 is not rejected over 07-328360 because of the iron content.

Continuation of 11. does NOT place the application in condition for allowance because: A dependent claim MUST further limit the claim from which it depends. As to claims 31 and 32 "The wafer boat" should be recited rather than "The article". In reference to JP 10-228974 a pore size of 15-40 microns is clearly taught. As to the impurity amount the applicants have not supplied any tangible evidence that the Japanese documents include impurities outside the claimed ranges and the claims clearly define what impurity is being limited. Proposed claim 14 would only require one of Fe, Cu, Ni, Cr and Ca to be less than 400 ppm. Any tangible evidence would be required to show each of Fe, Cu, Ni, Cr and Ca are greater than 400 ppm. Claim 30 requires only one of Fe, Cu, Ni, Cr and Ca to be less than 1 ppm. Again it would be required that a showing that each of these components is greater than 1 ppm. As to claim 33 it would only be necessary to show that Ni is greater than 5 ppm. Applicants argue mechanical processing would introduce metallic impurities. It is not clear how processing would add Ca as well as all the other Cu, Ni, Cr. Dubots clearly teach less than 10 ppm total metallic impurity and less than .1 ppm Fe, column 5, lines 19-21. It is further argued that Dubots fail to teach a finished wafer boat. The instant claims are rejected over the intermediate (prior to siliconizing), which would have the structure of a wafer boat. As to the Ni being less than 5 ppm, applicants have not shown that the Ni is greater than 5 ppm as well as a total metal impurity less than 10 ppm would suggest the Ni is less than 5 ppm absent tangible evidence to the contrary. .